



SO ORDERED.

**SIGNED this 16th day of December,
2013.**

William L. Locke

US BANKRUPTCY JUDGE

C-13-7a
(Rev. 01/12)

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:)	ORDER CONFIRMING PLAN
)	CHAPTER 13
)	
Kirby, Michael xxx-xx-6025)	
5163 Odell King Road)	Case No. 13-11266 C-13G
Burlington, NC 27217)	
)	
)	
)	
Debtor(s))	

This case came before the Court, after notice and opportunity for hearing, for confirmation of the Chapter 13 plan proposed in this case; and IT APPEARING to the Court as follows:

- I. The Trustee in this case is Anita Jo Kinlaw Troxler, Standing Trustee, Anita Jo Kinlaw Troxler, 500 West Friendly Avenue, Suite 200, P.O. Box 1720, Greensboro, NC 27402-1720;
- II. The attorney for the Debtor(s) is Phillip E. Bolton;
- III. Under the final plan (the "Plan") as proposed:
 - A. **Plan Payments**
 - 1. The Debtor(s) is/are to make monthly payments to the Trustee which are to be disbursed by the Trustee in accordance with the Plan and this Order;
 - 2. The monthly plan payment to the Trustee is \$1,590.00 beginning October 23, 2013, decreasing to \$1,540.00 effective November 2013;
 - B. **Administrative Costs**
 - 1. **Attorney Fees.** The Attorney for the Debtor(s) is allowed the base fee of \$3,700.00. The Attorney has received no fee from the Debtor(s) pre-petition and the remainder of the base fee will be paid by the Trustee as funds are available.

2. **Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses.

C. Priority Claims

Any timely filed claims entitled to priority under 11 U.S.C. §507, on behalf of the entities listed below, will be paid in full in deferred cash payments unless otherwise indicated.

1. **Domestic Support Obligations ("DSO")**

- GLORIA KIRBY - Any timely filed claim for arrearage owed through September 2013 shall be paid in full over the life of the Plan at the rate of \$263.00 per month. A claim must be filed to receive disbursements. The Debtor is responsible for ongoing alimony payments October 2013 forward.
- DAVID R. HUFFMAN, ESQ. - Any timely filed claim for attorney fees in reference to the DSO debt shall be paid in full over the life of the plan at the rate of \$134.00 per month. A claim must be filed to receive disbursements.

- 2. Internal Revenue Service
- 3. N C Department of Revenue
- 4. Alamance County Tax

D. Secured Claims

1. **Long-term Debts - To be paid directly by Debtor(s).**

Creditor & Property	Claim Filed (Y/N)	Regular Payment
WELLS FARGO 5163 Odell King Road Burlington, NC	N	\$716.41 w/escrow for tax & ins.
ALAMANCE COUNTY TAX 5163 Odell King Road Burlington, NC	N	Real property taxes 2013 forward - escrowed

2. **Secured Claims To Be Paid In Full - Personal Property**

Creditor & Property	Claim Filed (Y/N)	Claim Amount	Monthly Payment	Interest Rate	AP Payment
STATE EMPLOYEES CREDIT UNION (2004 Chevrolet: 6/1/11)	Y	\$8,206.20	\$155.00	5%	\$74.35

3. Property To Be Released.

Upon timely filing of a claim documenting a non-preferential perfected lien the following property is released for liquidation and the creditor is allowed 180 days (for real property) and 120 days (for personal property) from the date of entry of this Order to file a documented deficiency claim after liquidating the property. The automatic stay and co-debtor stay, if applicable, are lifted as to the property released. The requirements of Rule 3002.1 are terminated.

Creditor	Property to be Released	Claim filed (Y/N)
*STATE EMPLOYEES CREDIT UNION	Shares = \$25.13	Y

***STATE EMPLOYEES CREDIT UNION is found to be an unsecured non-priority claimant for the balance of the claim in the amount of \$2,926.04 due to no value in the 2004 Chevrolet above the first lien identified above to secure the claim.**

E. General Unsecured Claims Not Separately Classified.

General unsecured claims not separately classified will be paid as funds become available after payment of costs of administration. The estimated dividend to general unsecured claims is 0%.

F. The Debtor(s) will pay THE GREATER OF the amount necessary to pay all allowed costs of administration, priority and secured claims in full, with the exception of continuing long term debts OR 60 monthly plan payments OR the amount sufficient to pay all allowed secured claims as scheduled for payment through the disbursements by the Trustee, administrative costs, plus \$4,637.00 into the plan due to liquidation value of the estate with the Plan to be reviewed in 12 months and periodically thereafter for Plan payment adjustments;

G. The terms and provisions of the Standing Order dated February 24, 2012, are incorporated in this Order and are available on the Court's website at www.ncmb.uscourts.gov.

H. **IT FURTHER APPEARING** to the Court that the Plan complies with the requirements of 11 U.S.C. §1325; therefore, it is

ORDERED that the Plan is confirmed.

END OF DOCUMENT

PARTIES TO BE SERVED

PAGE 1 OF 1

13-11326 C-13G

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STANDING TRUSTEE
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